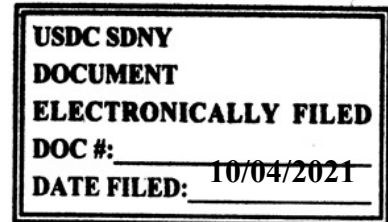




THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

GEORGIA PESTANA  
Corporation Counsel



**MEMO ENDORSED**

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October 4, 2021

**BY ECF**

Honorable Katharine H. Parker  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Dewayne Richardson v. City of New York, et al., 21-CV-5080 (PAE) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia Pestana, Corporation Counsel of the City of New York, and the attorney for defendant City of New York in the above-referenced matter. Defendant writes, with Plaintiff's consent, to respectfully request 1) a 60-day enlargement of time for Defendant to answer or otherwise respond to plaintiff's Complaint, from October 15, 2021 to December 14, 2021; and 2) an adjournment of the initial pre-trial conference currently scheduled for October 12, 2021 at 12:00 p.m. until a time convenient to the Court after defendant has responded to the Complaint.<sup>1</sup> This is Defendant's first request for an extension of time to answer or otherwise respond to the Complaint and its first request for an adjournment of the conference.

By way of background, plaintiff filed the Complaint on June 8, 2021 alleging, *inter alia*, that defendants violated his constitutional rights while plaintiff was in Department of Correction ("DOC") custody. ECF No. 2. Specifically, plaintiff alleges that the conditions of his confinement were unsafe, there were issues related to his COVID-19 vaccinations, he was denied access to showers, and excessive force was used against him. *Id.* On July 16, 2021, the Court requested that the City of New York and the individual DOC defendants waive service summons. ECF No. 7. On July 19, 2021, the Court scheduled a telephonic initial conference for October 12, 2021 at 12:00

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<sup>1</sup> Defendants also request a corresponding extension of time file the Proposed Case Management Plan currently due by October 5, 2021 until one week before the re-scheduled initial conference.

p.m. ECF No. 11. On August 18, 2021, the City returned an executed waiver of service. ECF No. 14.

In accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, additional time is needed to investigate the allegations of the Complaint. To that end, this Office has requested documents from DOC. As of the time of this writing, this Office awaits their receipt. Moreover, without a medical release from plaintiff, this Office is unable to request plaintiff's medical records as plaintiff alleges physical injury. During a telephone call with plaintiff on September 29, 2021, plaintiff indicated that he mailed an executed medical release, however, this Office is still awaiting its receipt as well. Additionally, a 60-day enlargement of time to answer or otherwise respond to the complaint will afford time for the individual DOC defendants to waive service and allow all named defendants to file a single answer or response after representation determinations have been made by this Office pursuant to New York State General Municipal Law § 50-k.

Therefore, Defendant respectfully requests a 60-day extension, from October 15, 2021 to December 14, 2021 to answer or otherwise respond to the Complaint, as well as an adjournment of the conference currently scheduled for October 12, 2021 at 12:00 p.m. until after such time as Defendant has answered or otherwise responded to the Complaint.

Thank you for your consideration herein.

Respectfully submitted,

/s/ John A. Passidomo  
John A. Passidomo  
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cc: **BY FIRST CLASS MAIL**  
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*Plaintiff Pro Se*  
B&C No. 3491901861  
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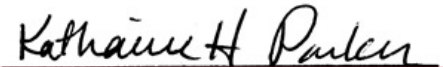
**APPLICATION GRANTED:** The Defendant's deadline to respond to the complaint is hereby extended to December 14, 2021.

The telephonic Initial Case Management Conference in this matter scheduled for Tuesday, October 12, 2021 at 12:00 p.m. is hereby rescheduled to Wednesday, December 15, 2021 at 12:00 p.m. It is hereby ORDERED that the Warden or other official in charge of the Anna M. Kross Center Correctional Facility produce plaintiff Dewayne Richardson., NYSID #07324739Y/B&C# 3491901861, on December 15, 2021, no later than 12:00 p.m., to a suitable location within the Anna M. Kross Correctional Facility that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel.

Defendants' counsel must telephone Judge Parker's teleconference line at (866) 434-5269, Access code: 4858267, with the plaintiff on the line, at the time and date of the conference.

The Clerk of Court is requested to mail a copy of this order to the plaintiff.

APPLICATION GRANTED

A handwritten signature in black ink, appearing to read "Katharine H. Parker", is written over a horizontal line.

Hon. Katharine H. Parker, U.S.M.J.

10/04/2021